

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

C & L Richardson  
Transport  
1521 Leanne Terrace  
Walnut, California 91789

AND

Charles E. Richardson  
1521 Leanne Terrace  
Walnut, California 91789

Respondents.

Docket HWCA 01/02-3012

STIPULATION AND ORDER  
Health and Safety Code  
Section 25187

The State Department of Toxic Substances Control  
(Department) and C & L Richardson Transport and Charles E.  
Richardson (Respondents) enter into this Stipulation and Order  
(Order) and agree as follows:

1. A dispute exists regarding the Enforcement Order issued by the Department on May 14, 2002 (Attached as Exhibit 1).
2. The parties wish to avoid the expense of further litigation and to ensure prompt action to achieve the Schedule for Compliance below.
3. Jurisdiction exists pursuant to Health and Safety Code section 25187.
4. Respondents waive any right to a hearing in this matter.

5. This Order shall constitute full settlement of the violations alleged in the Enforcement Order, but does not limit the Department from taking appropriate enforcement action concerning other violations.

6. Admissions: Respondents admit the allegations made in the Enforcement Order.

#### SCHEDULE FOR COMPLIANCE

7. Respondents shall comply with the following:

7.1. For five years after the effective date of this Order, Respondents shall hold no position in any business entity in which Respondents manage hazardous waste or make decisions about the management of any hazardous waste.

7.1.2. For ten years after the effective date of this Order, Respondents shall not apply for registration to transport hazardous waste in California under these or any other names.

7.2. Submittals: All submittals from Respondents pursuant to this Order shall be sent to:

Phillip Blum, P.E., Unit Chief  
Task Force Support and Special Investigations Branch  
1011 North Grandview Avenue  
Glendale, California 91201

7.3. Communications: All approvals and decisions of the Department made regarding such submittals and notifications shall be communicated to Respondents in writing by a Branch Chief, Department of Toxic Substances Control, or his/her designee. No informal advice, guidance, suggestions, or comments by the Department regarding reports, plans, specifications,

schedules, or any other writings by Respondents shall be construed to relieve Respondents of their obligation to obtain such formal approvals as may be required.

7.4. Department Review and Approval: If the Department determines that any report, plan, schedule, or other document submitted for approval pursuant to this Order fails to comply with the Order or fails to protect public health or safety or the environment, the Department may:

a. Modify the document as deemed necessary and approve the document as modified; or

b. Return the document to Respondents with recommended changes and a date by which Respondents must submit to the Department a revised document incorporating the recommended changes.

7.5. Compliance with Applicable Laws: Respondents shall carry out this Order in compliance with all local, State, and federal requirements, including but not limited to requirements to obtain permits and to assure worker safety.

7.6. Liability: Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondents, except as provided in this Order. Notwithstanding compliance with the terms of this Order, Respondents may be required to take further actions as are necessary to protect public health or welfare or the environment.

7.7. Government Liabilities: The State of California shall not be liable for injuries or damages to persons or property resulting from acts or omissions by Respondents or related parties specified in paragraph 9.3 in carrying out activities pursuant to this Order, nor shall the State of California be held as a party to any contract entered into by Respondents or their agents in carrying out activities pursuant to this Order.

7.8. Extension Requests: If Respondents are unable to perform any activity or submit any document within the time required under this Order, the Respondents may, prior to expiration of the time, request an extension of time in writing. The extension request shall include a justification for the delay.

7.9. Extension Approvals: If the Department determines that good cause exists for an extension, it will grant the request and specify in writing a new compliance schedule.

#### PAYMENTS

8. Respondents shall pay the Department a penalty of \$5,000.

8.1. Respondents shall pay the Department the penalty set forth in paragraph 8, as follows: Within 30(thirty)days of the effective date of this Order, Respondents shall make an initial \$500 payment to DTSC. Installment payments of \$500 each month for the remainder of the balance of the penalty shall be

made to DTSC by the end of each month, until the penalty is paid in full.

8.2. Respondents' checks shall be made payable to Department of Toxic Substances Control, and shall be delivered together with the attached Payment Voucher to:

Department of Toxic Substances Control  
Accounting Office  
1001 I Street  
P. O. Box 806  
Sacramento, California 95812-0806

A photocopy of the check shall be sent to:

Phillip Blum, P.E., Unit Chief  
Task Force Support and Special Investigations Branch  
1011 North Grandview Avenue  
Glendale, California 91201

and

Ms. Bonnie Wolstoncroft, Senior Staff Counsel  
Office of Legal Counsel  
Department of Toxic Substances Control  
1001 I Street  
P. O. Box 806  
Sacramento, California 95812-0806

8.3. If Respondents fail to make payments as provided above, the outstanding balance owed by Respondents shall be due and payable in full to the Department within fifteen days of the missed due date.

8.4. If Respondents fail to make payment as provided in paragraph 8.1 of this Order, Respondents shall pay an additional penalty of \$1,000 for each 30-day period, or part of a 30-day period, that the payment is in arrears, and Respondent shall pay all costs incurred by the Department in pursuing collection including attorney's fees.

#### OTHER PROVISIONS

9. Additional Enforcement Actions: By agreeing to this Order, the Department does not waive the right to take further enforcement actions, except to the extent provided in this Order.

9.1. Penalties for Noncompliance: Failure to comply with the terms of this Order may subject Respondents to civil penalties and/or punitive damages for any costs incurred by the Department or other government agencies as a result of such failure, as provided by Health and Safety Code section 25188 and other applicable provisions of law.

9.2. Parties Bound: This Order shall apply to and be binding upon Respondents and their officers, directors, agents, receivers, trustees, employees, contractors, consultants, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Order.

9.3. Effective Date: The effective date of this Order is the date it is signed by the Department.

9.4. Integration: This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this agreement.

ORIGINAL SIGNED BY:

Charles E. Richardson and

Dated: 04/23/04

Lucy A. Richardson

Respondents

ORIGINAL SIGNED BY:

Dated: 04/29/04

Phil Blum

Department of  
Toxic Substances Control